

United States Court of Appeals For the First Circuit

No. 18-1413

NATIONAL LABOR RELATIONS BOARD,

Petitioner,

v.

W.B. MASON CO., INC.,

Respondent.

JUDGMENT

Entered: June 21, 2018
Pursuant to 1st Cir. R. 27.0(d)

This cause was submitted upon the application of the National Labor Relations Board for summary entry of a judgment against Respondent, W.B. Mason Co., Inc., its officers, agents, successors, and assigns, enforcing its order dated April 20, 2017, in Case No. 01-CA-180518, reported at 365 NLRB No. 62, and the Court having considered the same, it is hereby

ORDERED AND ADJUDGED by the Court that the Respondent, W.B. Mason Co., Inc., its officers, agents, successors, and assigns, shall abide by said Order (See Attached Order and Appendix).

By the Court:

/s/ Margaret Carter, Clerk

cc:

Linda J. Dreeben

John J. Walsh Jr.

Frederick L. Schwartz

Renee J. Bushey

Bradley Thomas Raymond

NATIONAL LABOR RELATIONS BOARD

v.

W. B. MASON, INC.

ORDER

W.B. Mason Co., Inc., South Boston, Massachusetts, its officers, agents, successors, and assigns shall

1. Cease and desist from
 - (a) Failing to implement a promised wage increase to an employee because he and other employees formed, joined, and assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.
 - (b) Failing to implement a promised wage increase to an employee because the employee participated in proceedings before the National Labor Relations Board.
 - (c) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.
2. Take the following affirmative action necessary to effectuate the policies of the Act.
 - (a) Make employee Kenny DeAndrade whole for any loss of earnings and other benefits suffered as a result of the discrimination against him, in the manner set forth in the remedy section of this decision.
 - (b) Compensate Kenny DeAndrade for the adverse tax consequences, if any, of receiving a lump-sum backpay award, and file with the Regional Director for Region 1, within 21 days of the date of the amount of backpay is fixed, either by agreement or Board order, a report allocating the backpay award to the appropriate calendar years.
 - (c) Preserve and, within 14 days of a request, or such additional time as the Regional Director may allow for good cause shown, provide at a reasonable place designated by the Board or its agents, all payroll records, social security payment records, timecards, personnel records and reports, and all other records, including an electronic copy of such

records if stored in electronic form, necessary to analyze the amount of backpay due under the terms of this Order.

- (d) Within 14 days after service by the Region, post at its South Boston facility copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Director for Region 1, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. If the Respondent has gone out of business or closed the facilities involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since June 13, 2016.
- (e) Within 14 days after service by the Region, hold a meeting or meetings at its South Boston facility, scheduled to ensure the widest possible attendance, at which the attached notice is to be read to the employees by Branch Manager Carlos DeAndrade, or, at the Respondent's option, by a Board agent in the presence of Carlos DeAndrade.
- (f) Within 21 days after service by the Region, file with the Regional Director for Region 1 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

APPENDIX

NOTICE TO EMPLOYEES

POSTED PURSUANT TO A JUDGMENT OF THE UNITED STATES
COURT OF APPEALS ENFORCING AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this Notice.

FEDERAL LAW GIVES YOU THE RIGHT TO

Form, join, or assist a union

Choose representatives to bargain with us on your behalf

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities

WE WILL NOT fail to implement a promised wage increase to an employee because he and other employees formed, joined, and assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

WE WILL NOT fail to implement a promised wage increase to an employee because he participated in proceedings before the National Labor Relations Board.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights listed above.

WE WILL make employee Kenny DeAndrade whole for any loss of earnings and other benefits suffered as a result of the discrimination against him, plus interest.

WE WILL compensate Kenny DeAndrade for the adverse tax consequences, if any, of receiving a lump-sum backpay award, and WE WILL file with the Regional Director for Region 1, within 21 days of the date of the amount of backpay is fixed, either by agreement or Board order, a report allocating the backpay to the appropriate calendar years.

W.B. MASON CO., INC.

The Board's decision can be found at www.nlr.gov/case/01-CA-180518 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

